



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,215	09/06/2000	Yasumasa Nakajima	Q60744	9292

7590

10/06/2005

Sughrue Mion Zinn MacPeak & Seas PLLC
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/656,215	Applicant(s) NAKAJIMA ET AL.	
	Examiner LUONG T. NGUYEN	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-9 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/06/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Note that the Application No. 09/656,215 has been transferred to Examiner Luong T. Nguyen, Art Unit 2612.

Response to Arguments

2. Applicant's arguments, see the Response, filed 7/26/2005, with respect to claim 2 has been fully considered and are persuasive. The final rejection of claim 2 has been withdrawn. A new non-final rejection is made as follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai et al. (US 6,889,324) in view of Houser et al. (US 5,606,609).

Regarding claim 2, Kanai et al. discloses a digital camera (digital camera 1, figure 1), comprising:

an image pickup portion (CCD 20, figure 1, column 5, lines 10-20) which converts light from an object to be photographed, into image data;

Art Unit: 2612

a producing device which produces characteristics data from the image data (a hash value corresponds to “characteristics data” is calculated in step S109, figure 2, column 6, lines 10-20);

a secret key-recording portion (EEPROM 13, figure 1, column 6, lines 5-10) which records a secret key (private key, column 6, lines 5-10) to be used for encrypting data so that encrypted data can be decrypted by a public key (public key, column 2, lines 55-59);

an encrypting device which encrypts the characteristic data with the secret key (the calculated hash value is encrypted using the private key, column 6, lines 5-20);

an embedding device which embeds encrypted characteristic data into the image data (column 7, lines 20-28);

a recording medium (IC card 15, column 6, lines 28-33, column 7, lines 10-28) which records the image data having the characteristic data embedded therein.

Kanai et al. fails to specifically disclose the secret key is recorded in the secret key-recording portion in a form of a hidden attribute. However, Houser et al. teaches that the private key (secret key) is stored in a location selected by the user (column 9, lines 36-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kanai et al. by the teaching of Houser et al. in order to obtain a system, which prevents unauthorized users from altering the image data.

Allowable Subject Matter

5. Claims 1, 3-9 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2612

Regarding claim 1, the prior art of the record fails to show or fairly suggest a digital camera, comprising a transmitting device which transmits the secret key from an external recording medium, in combination with other claim elements.

Regarding claim 3, the prior art of the record fails to show or fairly suggest a method of adding to a digital camera a function of converting light from an object to be photographed, into image data, the method comprising the steps of recording the secret key into a secret key-recording portion of the digital camera from an external recording medium; and loading an encryption program into the digital camera through use of the secret key.

Claims 4, 9 are allowable for the reason given in claim 3.

Regarding claim 5, the prior art of the record fails to show or fairly suggest an image falsification detection system using a digital camera, the image falsification detection system comprising a second producing device which produces second characteristic data from the image data from which the encrypted first characteristic data have been removed; and a comparing device which compares the decrypted first characteristic data with the second characteristic data, in combination with other claim elements.

Claims 6-8 are allowable for the reason given in claim 5.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

Art Unit: 2612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGOCYEN VU can be reached on (571) 272 -7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
09/30/05


NGOCYEN VU
PRIMARY EXAMINER